

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Thomas Wagner, et al.,
Plaintiffs

v.
Capital Management Services, LP,
Defendant

Case No. 1:08-cv-869

ORDER

The Court having been advised by the parties that the within action has been settled;

It is **ORDERED** that this action is hereby DISMISSED with prejudice, provided that any of the parties may, upon good cause shown within Sixty (60) days, reopen the action if settlement is not consummated. The parties may substitute a more particularized Order of Dismissal within this same time frame, should they so desire. The Court retains jurisdiction over the settlement contract for the purpose of its enforcement.

Date: April 27, 2009

s/Sandra S. Beckwith
Sandra S. Beckwith, Senior Judge
United States District Court